



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/059,294 | 01/31/2002 | Hisaaki Oguri | 00862.003013.1 | 8681 |

5514 7590 04/23/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BROWN, KHALED

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2877

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,294

Applicant(s)

OGURI ET AL.

Examiner

Khaled Brown

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37,38,42,43,47,48,52,53 and 57 is/are rejected.
- 7) ☒ Claim(s) 39-41,44-46,49-51 and 54-56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/388,372.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujioka et al (US 5593800).

Re clm 37: Fujioka et al discloses an electrostatic sensor comprising: a plurality of detection sections (631, 632), and a device arranged to select at least one detection section from the plurality of detection sections (15) and to calculate a position of an object surface based upon an output of the selected detection section (Col 8 lines 33-36).

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Kamieniecki et al (US 5593800).

Re clm 38: Kamieniecki et al discloses an electrostatic sensor having a plurality of detection sections (Kamieniecki et al 208), and a device/controller arranged to select at least one detection section from the plurality of detection sections and to calculate a position/height of an object/substrate surface based upon an output of the selected detection section (Kamieniecki et al Col 6 lines 1-53)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42, 43, 47, 48, 52, 53 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka et al (US 5593800) in view of Kamieniecki et al (5661408).

Re clm 42: Fujioka et al discloses a device manufacturing method comprising the steps of: exposing and developing a substrate using a lithography system (Fujioka et al Col 20 lines 53-56). However Fujioka et al does not disclose the electrostatic sensor of claim 38. Kamieniecki et al disclose the use of the electrostatic sensor of claim 38 as noted above because it assures that the entire fabrication process yields integrated circuits displaying the required electrical characteristics (Kamieniecki et al Col 1 lines 14-17). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the electrostatic sensor of Kamieniecki et al during the device manufacturing method of Fujioka et al because it would assure that the entire fabrication process yielded integrated circuits displaying required electrical characteristics as suggested by Kamieniecki et al.

Re clms 43, 48, 53: Fujioka et al discloses a plurality of electrostatic sensors (Fujioka et al 631, 632). However Fujioka et al does not disclose the details of the electrostatic sensors. Kamieniecki et al disclose as noted above, the details of an electrostatic

sensor as having a plurality of detection sections (Kamieniecki et al 208) which assures that the entire fabrication process yields integrated circuits displaying the required electrical characteristics (Kamieniecki et al Col 1 lines 14-17). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the electrostatic sensor of Kamieniecki et al for the electrostatic sensors of Fujioka et al because it would assure that the entire fabrication process yielded integrated circuits displaying required electrical characteristics as suggested by Kamieniecki et al. Re clms 47, 52, 57: exposing and developing a substrate (Fujioka et al Col 20 lines 53-56).

Allowable Subject Matter

Claims 39-41, 44-46, 49-51 and 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest that the selection of at least one detection section is based on a dimension or position of the shot region or on the arrangement of chip regions in conjunction with the rest of the claimed subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khaled Brown whose telephone number is 571-272-2411. The examiner can normally be reached on M-F 8:30am-5pm.

Art Unit: 2877

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB
April 21, 2004



Frank Font
Supervisory Patent Examiner
Art Unit 2877